



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,303	10/09/2001	Nobuo Ogasawara	47410/JEC/F179	8147

23363 7590 06/17/2003

CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA, CA 91105

EXAMINER

RICE, KENNETH R

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,303

Applicant(s)

Ogasawara

Examiner

Kenneth R. Rice

Group Art Unit

3627

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period of response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on ____.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) _1, 3-9 & 34-38 ____ is/are pending in the application.
Of the above, claim(s) ____ is/are withdrawn from consideration.
- ☐ Claim(s) ____ is/are allowed.
- ☒ Claim(s) _1, 3-9 & 34-38 ____ is/are rejected.
- ☐ Claim(s) ____ is/are objected to.
- ☐ Claims ____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on ____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Status of Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
 - ☐ received.
 - ☐ received in Application No. ____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: ____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other

Office Action Summary

PART III: REASONS FOR REJECTIONS AND OBJECTIONS

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3-9 and 34-38 are rejected under 35 USC 102(e) as being clearly anticipated by Colella et al.

The following is a quotation of 35 USC 103 which forms the basis for all obviousness rejections set forth in this Office action:

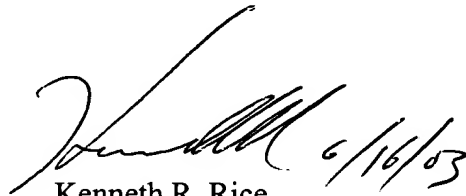
A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 3-9 and 34-38 are rejected under 35 USC 103 as being unpatentable over Singer et al. Singer et al discloses the invention substantially as claimed. However, Singer et al does not disclose providing the purchaser access to the microprocessor for managing use of the products with shelf life limitations. Singer et al describes providing access by users to the microprocessor by means of a password control security system (column 13, lines 28-40). The choice of who constitutes a user is clearly an administrative decision and can obviously include the purchaser of the products being stored in the system of Singer et al. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide purchaser access to the microprocessor in the system of Singer et al in order to allow the purchasers to managed the expiration dated product they have stored in the system of Singer et al.

Applicant's arguments filed March 31, 2003, have been fully considered but they are not deemed to be persuasive. Applicant argues that neither Singer et al nor Colella et al discloses point-of-sale or home terminals. The various computers and terminals in Singer et al and Colella et al are connected to a network. As such, each computer has access to all other computers on the network. The designation of any of the computers on the network as a point-of sale terminal or a home terminal is merely a matter of nomenclature. Changing the name of a computer does not change its function or how it is

used. The computer systems in Singer et al and Colella et al meet all of the claims limitations as described in the above rejections, regardless of the names applied to them.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Rice at (703) 308-3495. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Kenneth R. Rice', followed by the date '6/16/03'.

Kenneth R. Rice
Primary Examiner
Art Unit 3627